

**ASSEMBLY BILL**

**No. 734**

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**Introduced by Assembly Member Evans**

February 22, 2007

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An act to amend Sections 923, 1770, 1773.4, 1778, 1780, 1811, 4651.2, and 7152 of the Labor Code, relating to workers.

LEGISLATIVE COUNSEL'S DIGEST

AB 734, as introduced, Evans. Workers: gender neutrality.

Existing provisions of the Labor Code governing workers use the term “workman” and other masculine words and define the masculine gender to include the feminine.

This bill would either replace masculine terms with gender-neutral terms or add feminine terms to make the provisions applicable to both men and women.

This bill would also make additional technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 923 of the Labor Code is amended to
- 2 read:
- 3 923. In the interpretation and application of this chapter, the
- 4 public policy of this ~~State~~ *state* is declared as follows:
- 5 Negotiation of terms and conditions of labor should result from
- 6 voluntary agreement between ~~employer~~ *employers* and employees.
- 7 Governmental authority has permitted and encouraged employers

1 to organize in the corporate and other forms of capital control. In  
2 dealing with ~~such~~ employers, the individual unorganized worker  
3 is helpless to exercise actual liberty of contract and to protect his  
4 *or her* freedom of labor, and thereby to obtain acceptable terms  
5 and conditions of employment. Therefore it is necessary that the  
6 individual ~~workman~~-worker have full freedom of association,  
7 self-organization, and designation of representatives of his *or her*  
8 own choosing, to negotiate the terms and conditions of his *or her*  
9 employment, and that ~~he shall~~-the worker be free from the  
10 interference, restraint, or coercion of employers of labor, or their  
11 agents, in the designation of ~~such~~ representatives or in  
12 self-organization or in other concerted activities for the purpose  
13 of collective bargaining or other mutual aid or protection.

14 SEC. 2. Section 1770 of the Labor Code is amended to read:

15 1770. The Director of the ~~Department~~ of Industrial Relations  
16 shall determine the general prevailing rate of per diem wages in  
17 accordance with the standards set forth in Section 1773, and the  
18 director's determination in the matter shall be final except as  
19 provided in Section 1773.4. Nothing in this article, however, shall  
20 prohibit the payment of more than the general prevailing rate of  
21 wages to any ~~workman~~-worker employed on public work. Nothing  
22 in this act shall permit any overtime work in violation of Article  
23 ~~3 of this chapter~~ (*commencing with Section 1810*).

24 SEC. 3. Section 1773.4 of the Labor Code is amended to read:

25 1773.4. Any prospective bidder or his *or her* representative,  
26 any representative of any craft, classification or type of ~~workman~~  
27 *worker* involved, or the awarding body may, within 20 days after  
28 commencement of advertising of the call for bids by the awarding  
29 body, file with the Director of Industrial Relations a verified  
30 petition to review the determination of any such rate or rates upon  
31 the ground that they have not been determined in accordance with  
32 the provision of Section 1773 ~~of this code~~. Within two days  
33 thereafter, a copy of ~~such~~ *the* petition shall be filed with the  
34 awarding body. The petition shall set forth the facts upon which  
35 it is based. The Director of Industrial Relations or his *or her*  
36 authorized representative shall, upon notice to the petitioner, the  
37 awarding body and ~~such~~ *those* other persons as he *or she* deems  
38 proper, including the recognized collective bargaining  
39 representatives for the particular crafts, classifications or types of  
40 work involved, institute an investigation or hold a hearing. Within

1 20 days after the filing of ~~such~~<sup>a</sup> petition, or within such longer  
2 period as agreed upon by the director, the awarding body, and all  
3 the interested parties, he *or she* shall make a determination and  
4 transmit the same in writing to the awarding body and to the  
5 interested parties.

6 ~~Such~~<sup>The</sup> determination shall be final and shall be the  
7 determination of the awarding body. Upon receipt by it of the  
8 notice of the filing of ~~such~~<sup>a</sup> petition, the body awarding the  
9 contract or authorizing the public work shall extend the closing  
10 date for the submission of bids or the starting of work until five  
11 days after the determination of the general prevailing rates of per  
12 diem wages pursuant to this section.

13 Upon the filing of ~~any such~~<sup>a</sup> petition, notice thereof shall be  
14 set forth in the next and all subsequent publications by the awarding  
15 body of the call for bids. No other notice need be given to bidders  
16 by the awarding body by publication or otherwise. The  
17 determination of the director shall be included in the contract.

18 SEC. 4. Section 1778 of the Labor Code is amended to read:

19 1778. Every person, who individually or as a representative of  
20 an awarding or public body or officer, or as a contractor or  
21 subcontractor doing public work, or agent or officer thereof, who  
22 takes, receives, or conspires with another to take or receive, for  
23 his *or her* own use or the use of any other person any portion of  
24 the wages of any ~~workman~~<sup>worker</sup> or working subcontractor, in  
25 connection with services rendered upon any public work, is guilty  
26 of a felony.

27 SEC. 5. Section 1780 of the Labor Code is amended to read:

28 1780. Any person acting on behalf of the ~~State~~<sup>state</sup> or any  
29 political subdivision, or any contractor or subcontractor or agent  
30 or representative thereof, doing any public work who places any  
31 order for the employment of a ~~workman~~<sup>worker</sup> on public work,  
32 where the filling of the order for employment involves the charging  
33 of a fee, or the receiving of a valuable consideration from any  
34 applicant for employment, is guilty of a misdemeanor.

35 SEC. 6. Section 1811 of the Labor Code is amended to read:

36 1811. The time of service of any ~~workman~~<sup>worker</sup> employed  
37 upon public work is limited and restricted to 8 hours during any  
38 one calendar day, and 40 hours during any one calendar week,  
39 except as ~~hereinafter~~<sup>hereinafter</sup> provided for under Section 1815.

40 SEC. 7. Section 4651.2 of the Labor Code is amended to read:

1 4651.2. No petitions filed under Section 4651.1 shall be granted  
2 while the injured ~~workman~~*worker* is pursuing a rehabilitation plan  
3 under Section 139.5 of this code.

4 SEC. 8. Section 7152 of the Labor Code is amended to read:

5 7152. In addition to the duties imposed by any law regulating  
6 or relating to scaffolding, an employer who uses or permits the  
7 use of scaffolding described in Section 7151 in connection with  
8 construction, alteration, repairing, painting, cleaning, or doing of  
9 any work upon any building or structure, shall:

10 (a) Furnish safety lines to tie all hooks and hangers back on the  
11 roof of ~~such~~ *the* building or structure.

12 (b) Provide safety lines hanging from the roof, securely tied  
13 thereto, for all swinging scaffolds which rely upon stirrups of the  
14 single point suspension type to support the working platform. One  
15 ~~such~~ line shall be provided for each ~~workman~~*worker* with a  
16 minimum of one line between each pair of hangers or falls.

17 The standards board may adopt occupational safety and health  
18 standards different from the requirements of this section or grant  
19 variances from these requirements if the standards or variances  
20 provide equivalent or superior safety for employees.